

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the North County Transit District for authority to modify seven existing at-grade highway-rail crossings in the City of San Marcos, County of San Diego, California.

Application 04-05-042
(Filed May 28, 2004;
Amendment filed June 14, 2004)

O P I N I O N**Summary**

This decision grants the North County Transit District's (NCTD) request to modify seven existing at-grade highway-rail crossings (crossings) in the City of San Marcos (City), San Diego County.

Discussion

As part of the project to construct its 22-mile SPRINTER Oceanside-Escondido Rail Project (OERP), NCTD proposes to modify seven existing crossings within the City of San Marcos, as described in Appendix A attached to this order. Detailed drawings and site maps of the existing seven crossings and proposed improvements are shown in Appendix B attached to this order.

The seven crossings form part of the existing 22-mile Escondido Branch Line of the San Diego Subdivision formerly owned by the Atchison, Topeka & Santa Fe Railroad, now owned by NCTD. The OERP is a new light rail system consisting of partial track realignment and the construction of three sections of passing track each 3.5 miles in length. The existing track system accommodates three round trips of freight rail service each week. The new light rail system will

share the rail corridor with the freight rail service. However, freight and light rail service would be completely separate. Freight service will operate only in the evening hours after the completion of light rail service for the day.

NCTD will provide light rail service by means of diesel-multiple-unit (DMU) light rail vehicles. The DMU is a self-propelled diesel-electric or diesel-hydraulic rail vehicle with a maximum speed of 55 miles per hour. NCTD can couple the vehicles together to make trains consisting of two or three vehicles total. However, initial service will consist of trains with a maximum of two vehicles. During peak loading, each train may transport a maximum of 300 passengers.

North San Diego County Transit Development Board (NSDCTDB) is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended in 1982 and as stated in Public Resources (PR) Code Section 21000 et seq. NSDCTDB prepared a Subsequent Final Environmental Impact Report (SEIR) for the project in March 1997. On September 13, 2001, in compliance with PR Code Section 21108 or 21152, NSDCTDB filed a Notice of Determination (NOD) with the San Diego County Clerk. The NOD found that "Implementation of the 100% design plans for the project will not create new significant effects on the environment from those analyzed in the Subsequent Final Environmental Impact Report (SEIR) certified by NSDCTDB in March 1997." NSDCTDB prepared an Addendum for the project pursuant to the provisions of CEQA. Additional mitigation measures were not made a condition of the approval of the project. A copy of the NOD is included in Appendix C attached to this order.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider the environmental consequences

of a project subject to its discretionary approval. To comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that a responsible agency must conduct are contained in CEQA Guideline Section 15096.

We reviewed and considered the lead agency's NOD. Safety, transportation, and noise are within the scope of the Commission's permitting process.

We find that NSDCTDB's environmental documents are adequate for our decision-making purposes. We find that NSDCTDB reasonably concluded that implementation of 100% design plans for the project will not create new significant effects on the environment from those analyzed in the SEIR certified by NSDCTDB in March 1997. Applicable mitigation measures adopted in the SEIR will be applied as part of this project. Accordingly, we adopt the NOD for purposes of our project approval.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) staff inspected the site of each of the seven existing crossings. After reviewing the need for and the safety of the proposed modifications to the crossings, RCES recommends that the Commission grant NCTD's requests.

The application is in compliance with the Commission's filing requirements, including Rule 39 of Rules of Practice and Procedure, To Widen or Relocate an Existing Crossing. NCTD filed an Amendment to Application on June 14, 2004. Notice of the filing was published in the Commission Daily Calendar on June 18, 2004. The Amendment consisted of the rescission of NCTD's request, pursuant to Public Utilities Code Section 1202.2, to have the

Commission allocate the apportionment of construction and maintenance costs of the automatic warning devices at the seven crossings between NCTD and the City. NCTD stated its intent to continue to pursue a resolution with the City to the apportionment of construction and maintenance costs.

In Resolution ALJ 176-3135, dated June 9, 2004, and published in the Commission Daily Calendar on June 10, 2004, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed, this preliminary determination remains correct. It is not necessary to revise the preliminary determinations made in Resolution ALJ 176-3135.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), we waive the otherwise applicable 30-day period for public review and comment.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. The Commission published Notice of Application 04-05-042 in the Commission Daily Calendar on June 3, 2004. There are no unresolved matters or protests; a public hearing is not necessary.
2. NCTD requests authority, under Public Utilities Code Sections 1201-1205, to modify seven existing crossings in the City of San Marcos, County of San Diego.
3. Public convenience, necessity, and safety require modification of the seven existing crossings of NCTD's proposed Oceanside-Escondido Rail Project.
4. NSDCTDB is the lead agency for this project under CEQA, as amended.

5. NSDCTDB filed an NOD regarding this project and found that implementation of the 100% design plans for the project will not create significant effects on the environment from those analyzed in the SEIR certified by NSDCTDB in March 1997. NSDCTDB prepared an Addendum for the project pursuant to the provisions of CEQA. Additional mitigation measures were not made a condition of the approval of the project.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's NOD.

7. Safety, transportation, and noise are within the scope of the Commission's permitting process.

Conclusions of Law

1. The Application is uncontested and a public hearing is not necessary.
2. The Application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. North County Transit District (NCTD) is authorized to modify seven existing at-grade highway-rail crossings (crossings) in the City of San Marcos (City), County of San Diego, at the locations and substantially as described in and as shown by plans attached to Application (A.) 04-05-042; as described in Appendix A attached to this order; and as shown by plans in Appendix B attached to this order.

2. NCTD shall comply with all applicable General Orders and the Manual on Uniform Traffic Control Devices including the California Supplement.

3. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between City and NCTD (parties). Should the

parties fail to agree, the Commission shall apportion the costs of construction and maintenance by further order.

4. Within 30 days after completion of the work under this order, NCTD shall notify the Commission's Consumer Protection and Safety Division, Rail Crossings Engineering Section in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), of the completion of the authorized work.

5. This authorization shall expire if not exercised within two years unless the Commission extends the time or if the parties do not comply with the above conditions. The Commission may revoke or modify authorization if public convenience, necessity or safety so require.

6. The application is granted as set forth above.

7. A.04-05-042 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.

APPENDIX A

North County Transit District (NCTD) proposes to modify the following seven existing at-grade highway-rail crossings (crossings) within the City of San Marcos, County of San Diego in connection with its SPRINTER Light Rail Project. The Commission's assigned crossing identification numbers, and proposed new crossing identification numbers are as follows:

Roadway	Existing PUC Crossing No.	New PUC Crossing No.	Existing DOT No.	Crossing Type
Mission Road	106E-14.60	106E-114.49	027574T	At-Grade
Knoll Road	106E-15.70	106E-115.71	922632E	At-Grade
Pico Avenue	106E-16.10	106E-116.15	027577N	At-Grade
Twin Oaks Valley Road	106E-16.30-A	106E-116.33-A	922633L	Grade-Separated
San Marcos Boulevard	106E-16.50	106E-116.49	027578C	At-Grade
Rancheros Drive	106E-18.40	106E-118.79	027581D	At-Grade
Barham Drive	106E-18.90	106E-119.20	027583S	At-Grade

The proposed improvements at the seven crossings include, but are not limited to, upgrading of automatic warning devices, active advance warning signals, advance railroad crossing warning signs and pavement striping, concrete crossing panel surfaces, sidewalks and street safety lights. Detailed descriptions of the proposed improvements for each crossing are listed below:

1. Mission Road, PUC Crossing No. 106E-114.49:

- a. Rehabilitate existing track and install concrete panels for crossing surface.
- b. Replace existing curb mounted Standard No. 9 (automatic gate type signal as defined in General Order (GO) 75-C) with one new Standard No. 9-A (automatic gate type signal with additional lights on a cantilever as defined in GO 75-C) automatic warning device on the eastern approach to the crossing.
- c. On the western approach to the crossing, install one new Standard No. 8-A (flashing light type signal with additional lights on a cantilever as defined in GO 75-C) automatic warning device on one new raised island median in advance of Pacific Avenue intersection. Additionally, install one new pair of flashing lights on the existing median mounted Standard No. 8 (flashing light type signal as defined in GO 75-C) automatic warning device and on the existing Standard No. 9 automatic warning device in advance of the crossing.
- d. Install R3-1 train-activated internally illuminated turn-prohibition signs (Manual on Uniform Traffic Control Devices, including the California Supplement (MUTCD)).
- e. Install R8-8 “Do Not Stop on Track” signs (MUTCD) and paint new or renew pavement markings and stripes as necessary.

2. Knoll Road, PUC Crossing No. 106E-115.71:

- a. Rehabilitate existing track, install one new track south of existing and install concrete panels for both crossing surfaces.

- b. Relocate existing curb mounted Standard No. 9-A and median mounted Standard No. 9 automatic warning devices on the southern approach to the crossing to accommodate new track.
 - c. Upgrade all automatic warning devices on both approaches to the crossing and install additional pairs of flashing lights.
 - d. Reconstruct existing raised medians to accommodate new track and automatic warning devices.
 - e. Install R3-1 train-activated internally illuminated turn-prohibition signs and R8-8 “Do Not Stop on Track” signs.
 - f. Paint “Wait Here” and “Keep Clear” pavement markings and renew existing pavement markings and stripes as necessary.
 - g. Install advanced traffic signal for northbound vehicular traffic and R10-6 “Stop Here on Red” signs (MUTCD) as necessary.
3. Pico Avenue, PUC Crossing No. 106E-116.15:
- a. Rehabilitate existing track, install one new track south of existing and install concrete panels for both crossing surfaces.
 - b. Relocate existing curb mounted Standard No. 9-A automatic warning device on the southern approach to the crossing to accommodate new track.
 - c. Reconstruct existing raised medians to accommodate new track.
 - d. Install R3-1 train-activated internally illuminated turn-prohibition signs, R8-8 “Do Not Stop on Track” signs, and paint new or renew pavement markings and stripes as necessary.

- e. Install W10-11a “XX Feet Between Tracks and Highway” and W10-11b “XX Feet Between Highway and Tracks Behind You” signs (MUTCD).
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- 4. Twin Oaks Valley Road, PUC Crossing No. 106E-116.33-A:
 - a. This is an existing vehicular overhead grade separation.
 - b. Construct one new track south of existing track.
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- 5. San Marcos Boulevard, PUC Crossing No. 106E-116.49:
 - a. Rehabilitate existing track, install one new track south of existing and install concrete panels for both crossing surfaces.
 - b. Relocate two existing Standard No. 9-As and one Standard No. 9 automatic warning devices on the southern approach to the crossing to accommodate new track.
 - c. Install one Standard No. 8 automatic warning device on northeast quadrant of the crossing for the bike path/pedestrian crossing.
 - d. Upgrade existing Standard No. 9 and Standard No. 9-A on northern approach to include installation of additional pairs of flashing lights.
 - e. Install advanced traffic signal for northbound vehicular traffic and R10-6 “Stop Here on Red” signs as necessary.
 - f. Install R3-1 train-activated internally illuminated turn-prohibition signs and R8-8 “Do Not Stop on Track” signs.
 - g. Paint “Wait Here” and “Keep Clear” pavement markings, and paint new or renew existing pavement markings and stripes as necessary.

6. Rancheros Drive, PUC Crossing No. 106E-118.79:

- a. Rehabilitate existing track and replace existing rubber crossing surface with concrete crossing panels.
- b. Install one additional flashing light pair on the existing median-mounted Standard No. 9 automatic warning device east of the crossing for left-turning traffic on northbound Mission Road.
- c. Install advance traffic signal for eastbound traffic on Rancheros Drive and R10-6 “Stop Here on Red” signs as necessary.
- d. Install R8-8 “Do Not Stop on Track” signs, paint new or renew pavement markings and stripes as necessary, and paint “Keep Clear” and “Wait Here” pavement markings.
- e. Install W10-11a “XX Feet Between Tracks and Highway” and W10-11b “XX Feet Between Highway and Tracks Behind You” signs.

7. Barham Drive, PUC Crossing No. 106E-119.20:

- a. Replace two existing Standard No. 1-R (Crossbucks as described in GO 75-C) warning signs with two Standard No. 9-A automatic warning devices.
- b. Rehabilitate existing track and replace existing asphalt crossing surface with concrete crossing panels.
- c. Install R8-8 “Do Not Stop on Track” signs and paint new or renew pavement markings and stripes as necessary.

At all existing crossings adjacent to a highway-highway intersection,
where the authorized modifications result in an increase of the Minimum Track

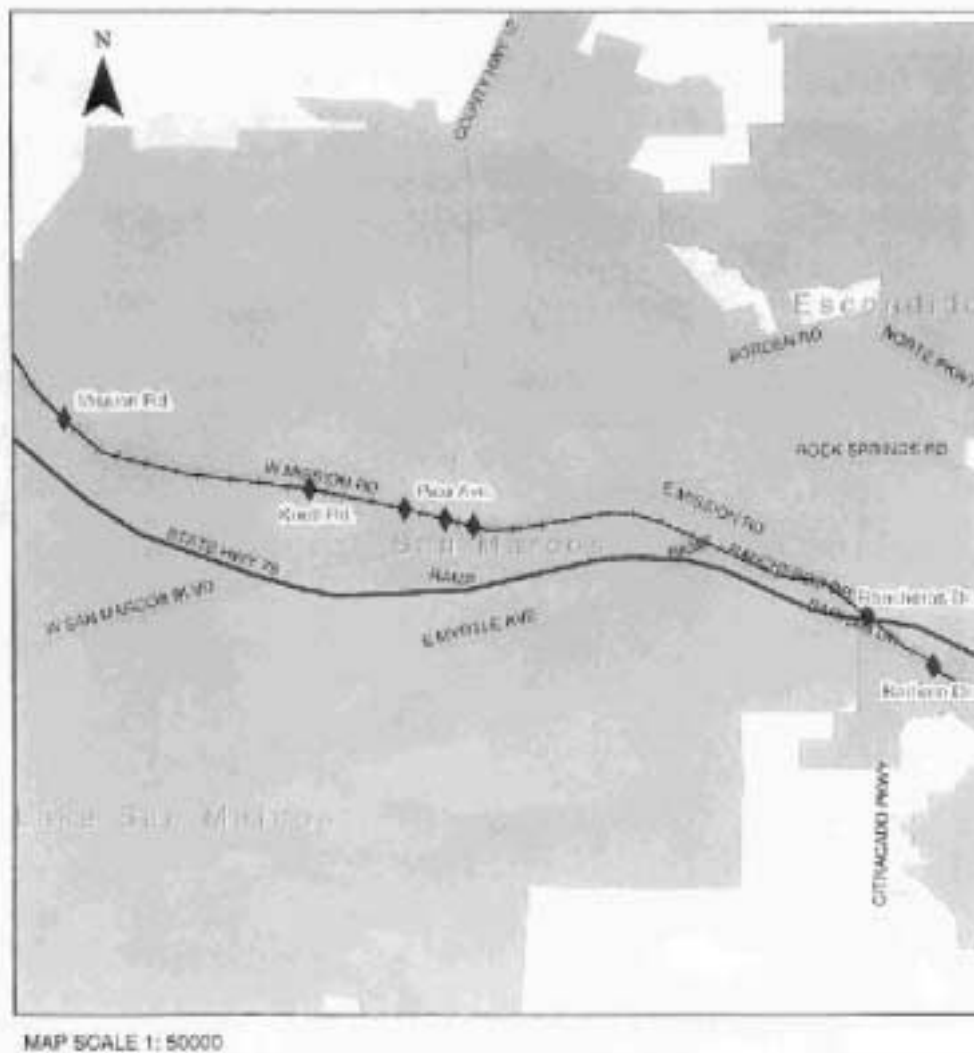
Clearance Distance (MTCD), NCTD shall coordinate with City to modify the existing traffic signal preemption in order to address the increase in MTCD.

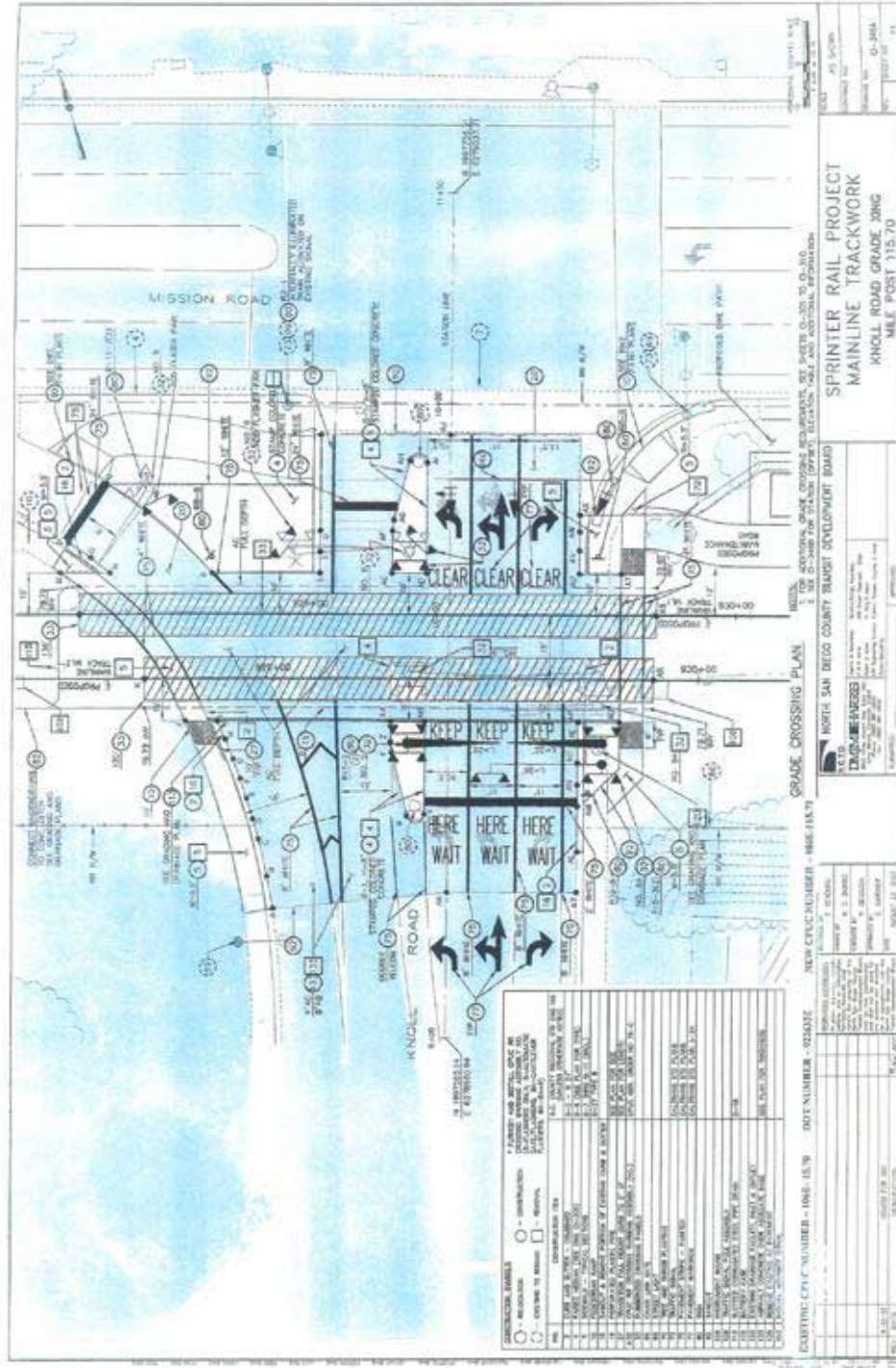
Existing warning devices and proposed warning devices for the seven crossings are listed below:

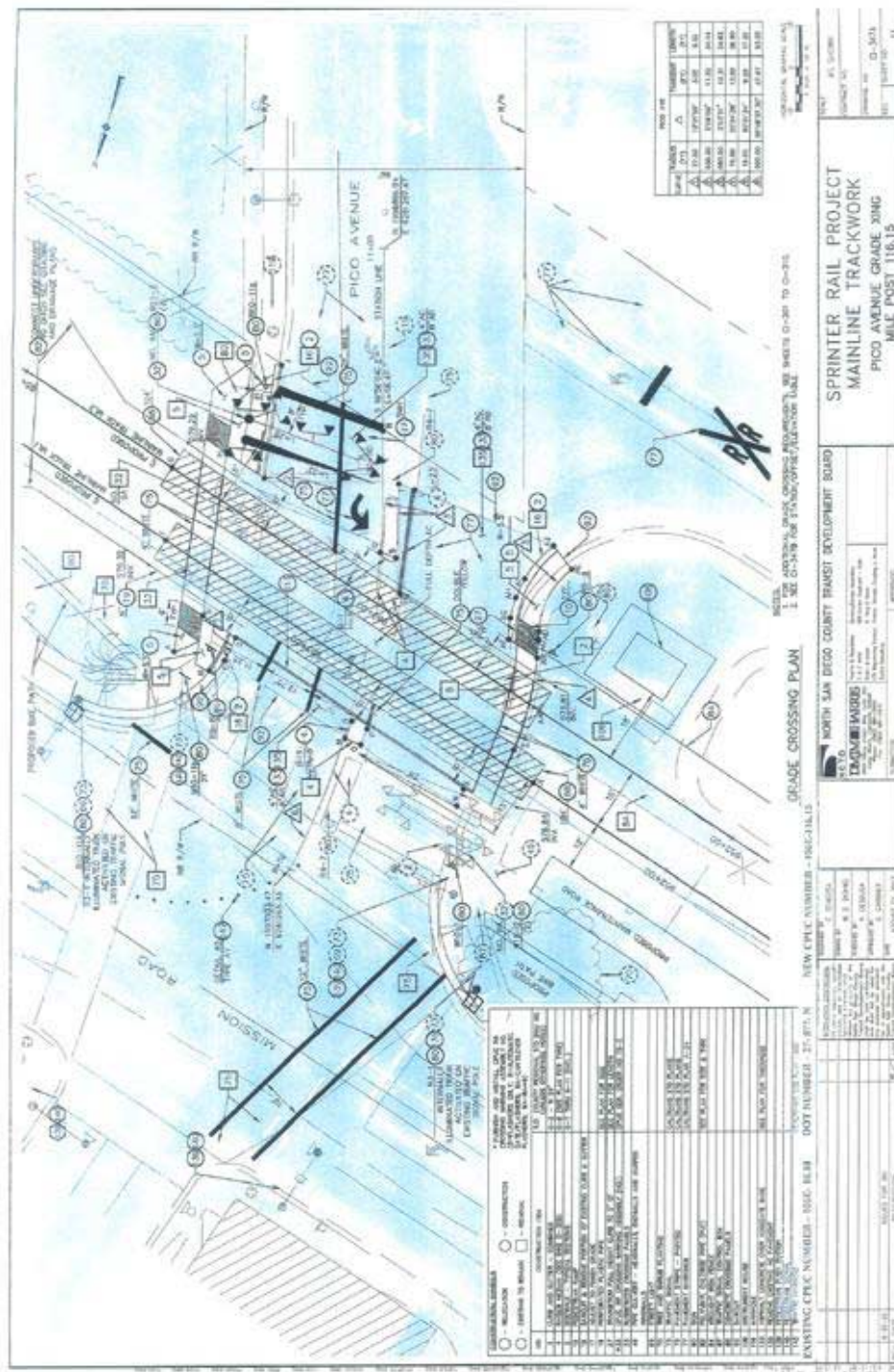
Roadway	New PUC Crossing No.	Existing Automatic Warning Device	New Automatic Warning Device
Mission Road	106E-114.49	2-8s & 2-9s	2-8s, 1-8A, 1-9A, 1-9
Knoll Road	106E-115.71	1-8, 3-9s, 1-9A	1-8, 3-9s, 1-9A
Pico Avenue	106E-116.15	2-9As	2-9As
Twin Oaks Valley Rd.	106E-116.33-A	Grade Separated	Grade Separated
San Marcos Boulevard	106E-116.49	2-9s, 3-9As	2-9s, 3-9As
Rancheros Drive	106E-118.79	1-8, 2-9s, 1-9A	1-8, 2-9s, 1-9A
Barham Drive	106E-119.20	2-1Rs	2-9As

APPENDIX B

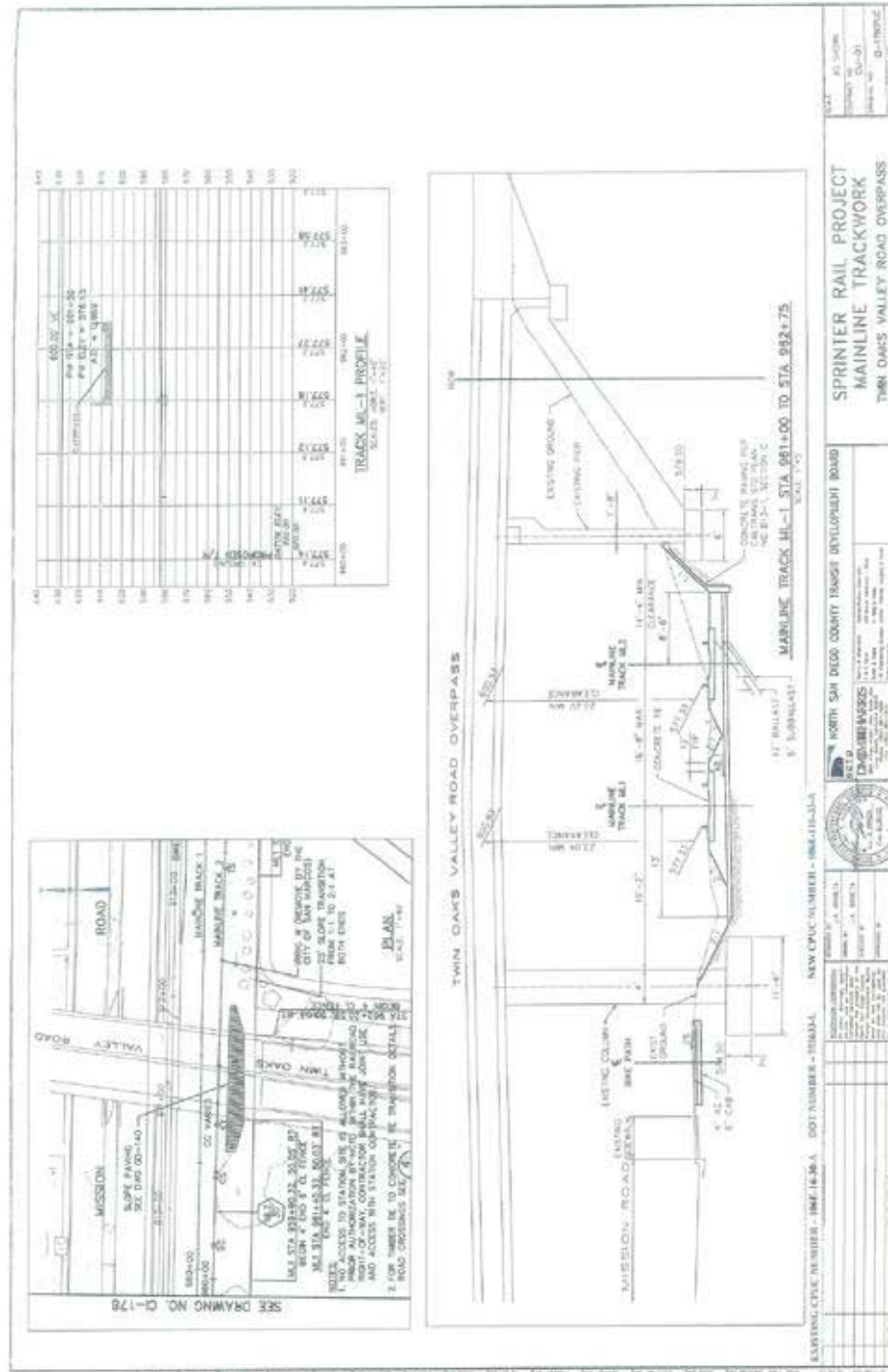
VICINITY MAP



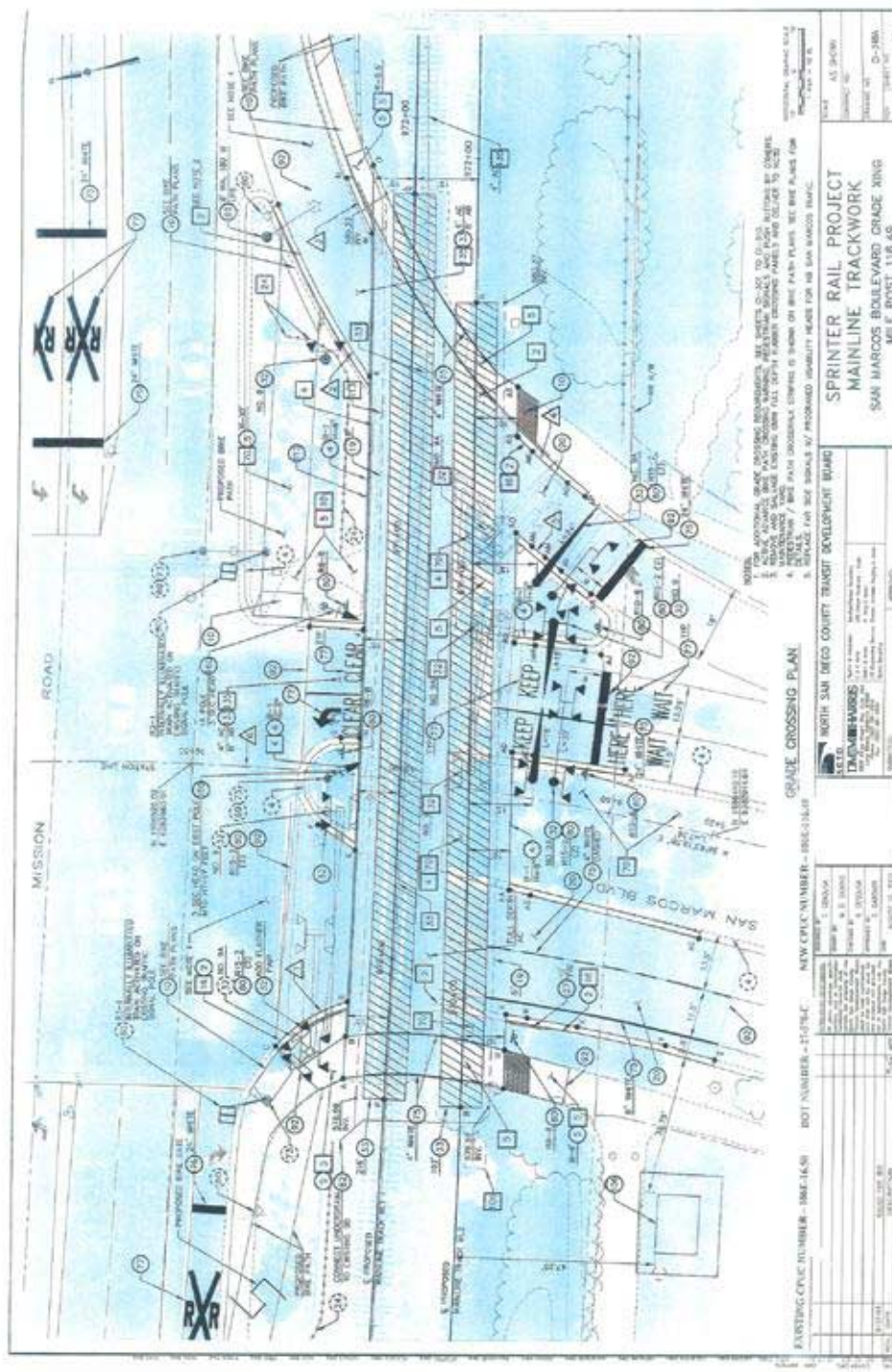
Knoll Road At-Grade Crossing, CPUC No. 106E-115.71



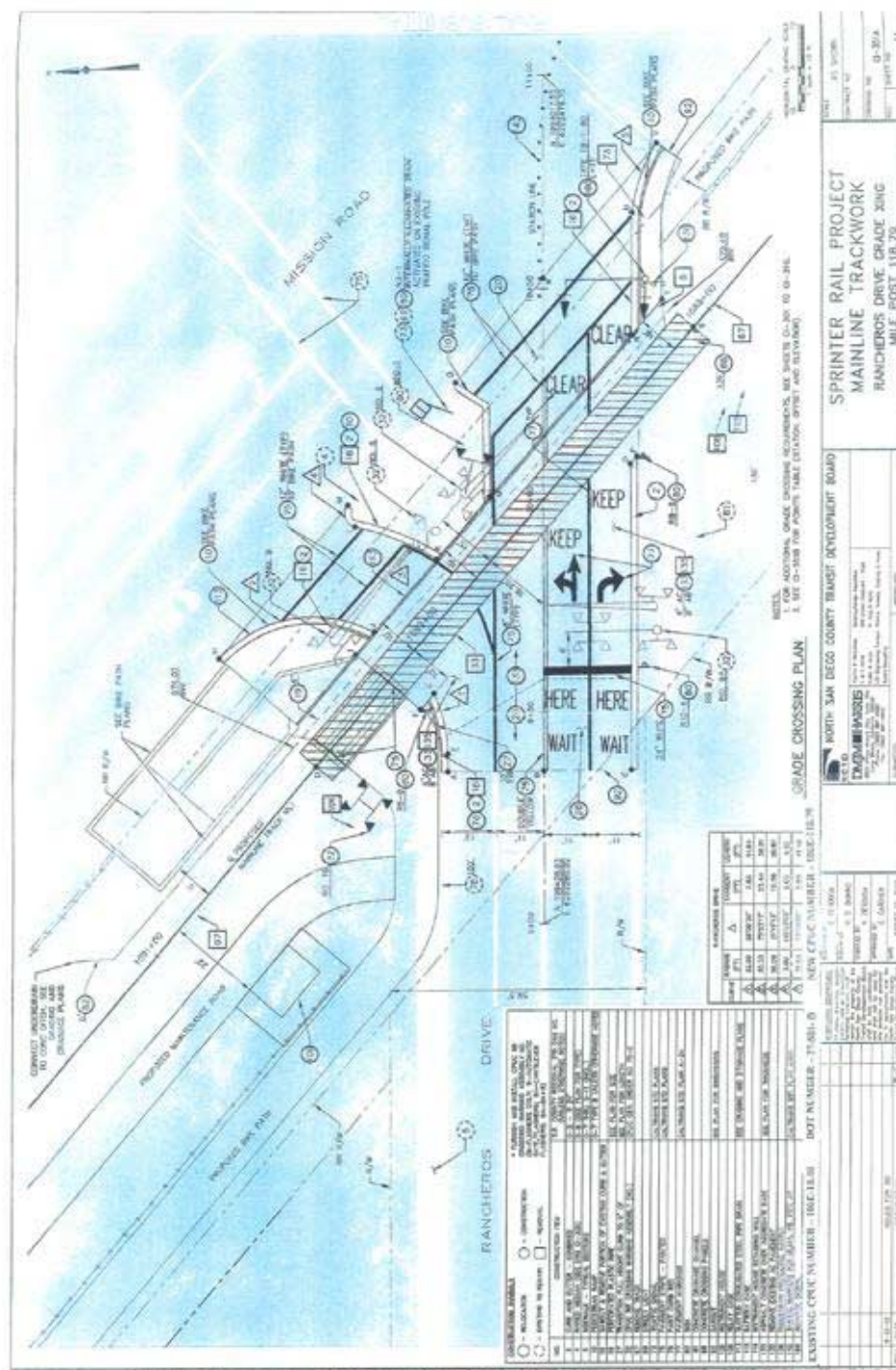
Twin Oaks Valley Road Grade-Separated Crossing, CPUC No. 106E-116.33-A

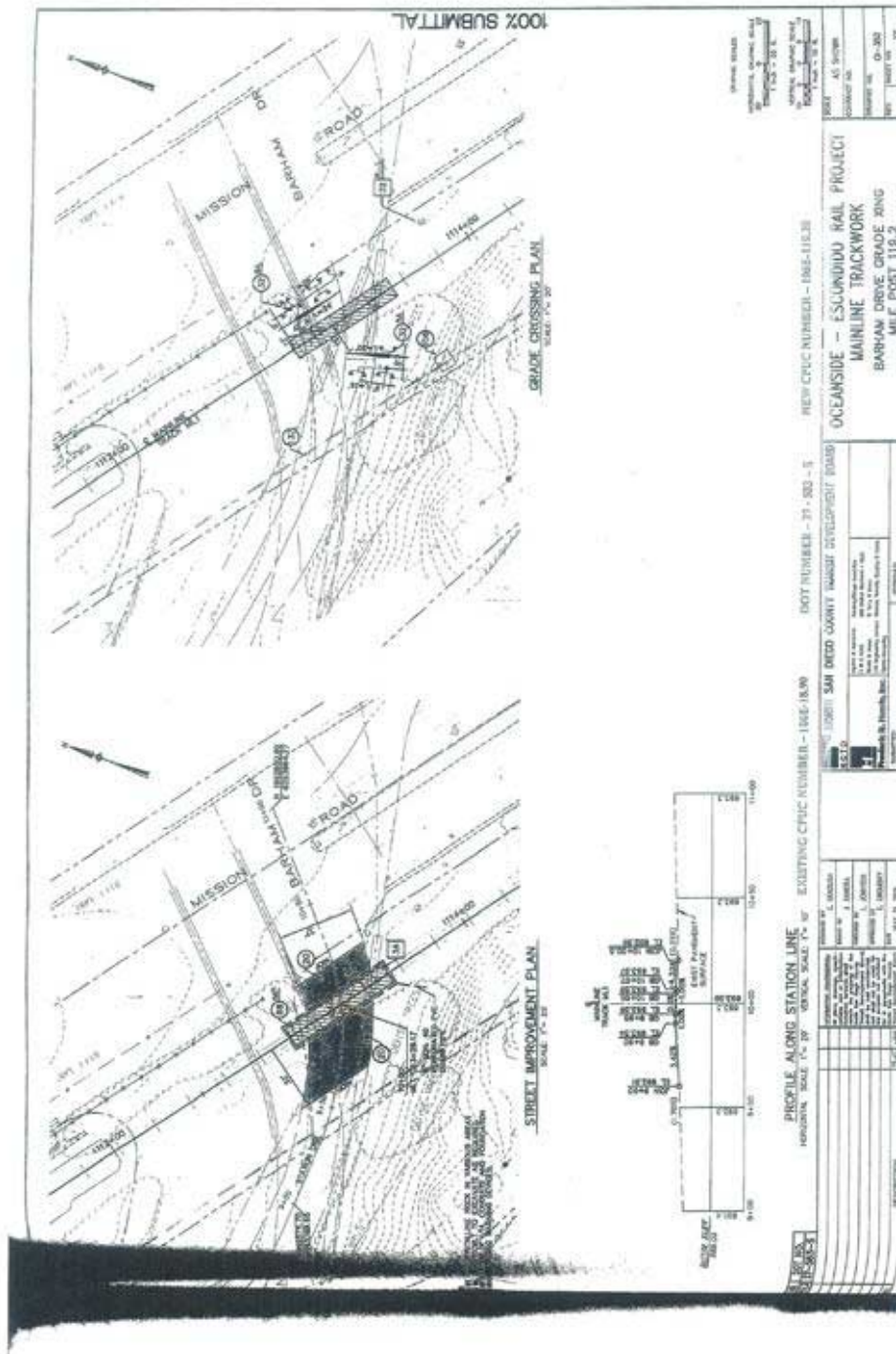


San Marcos Boulevard At-Grade Crossing, CPUC No. 106E-116.49



Rancheros Drive At-Grade Crossing, CPUC No. 106E-118.79



Barham Drive At-Grade Crossing, CPUC No. 106E-119.20

APPENDIX C

ENVIRONMENTAL DOCUMENT

010544

FILED
Gregory J. Smith, Recorder/County Clerk

SEP 13 2001

Notice of Determination

BY W DEPUTY

TO: ☐ Office of Planning and Research
1400 Tenth Street
Sacramento, California 95814
or,
☒ County Clerk
County of San Diego
P. O. Box 121750
San Diego, CA 92112

FROM: (Public Agency) _____
North County Transit District
810 Mission Avenue
Oceanside, CA 92054

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

Project Title NCTD Oceanside-Escondido Rail Project - Approval of 100% Design
State Clearinghouse Number (If submitted to State Clearinghouse) 96051021
Contact Person Leslie Blanda Telephone Number (760) 967-2852
Project Location Parallel to State Route 78 primarily within the existing rail right-of-way between the cities of Oceanside, Vista, San Marcos and Escondido and an unincorporated portion of San Diego County, with 1.7 miles of new right-of-way to connect to the CSUSM campus at San Marcos.
Project Description 100% Design approval for converting a 22-mile freight corridor into a diesel multiple unit passenger rail system

This is to advise that the North San Diego County Transit Development Board (NSDCTDB)
(Lead Agency or Responsible Agency)
has approved the above described project and has made the following determinations regarding the above described project:

1. Implementation of the 100% ☐ will have a significant effect on the environment, or a later negative effect on the environment from those analyzed in the Subsequent design plans for the project ☒ will not Environmental Impact Report (SEIR) certified by NSDCTDB in March 1997.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
☒ An Addendum was prepared for the project pursuant to the provisions of CEQA. The Final SEIR (March 1997) and Addendum and record of project approval may be examined at North County Transit District, 810 Mission Avenue, Oceanside, CA 92054

3. Additional mitigation measures ☐ were, ☒ were not, made a condition of the approval of the project.

4. A statement of Overriding Considerations ☐ was, ☒ was not, adopted for this project.

Date Received for Filing _____

mt 2
Signature
Executive Director
Title
September 12, 2001

RECEIVED
OCT 23 2001
BY: AAH

FILED IN THE OFFICE OF THE COUNTY CLERK
SAN DIEGO COUNTY ON SEP 13 2001
POSTED SEP 13 2001 REMOVED OCT 15 2001
RETURNED TO AGENCY ON OCT 15 2001
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